

## REMARKS

The present application has been reviewed in light of the Office Action dated September 3, 2008. Claims 3-11 are presented for examination, of which Claim 3 is in independent form. Claims 3, 9, and 11 have been amended to define Applicants' invention more clearly. Claims 1 and 2 have been canceled without prejudice or disclaimer of the subject matter presented therein. Claims 12-15 have been withdrawn without prejudice or disclaimer of the subject matter presented therein. Favorable reconsideration is requested.

Initially, Applicants thank the Examiner for considering the references cited in the information disclosure statements of July 21, 2004, August 2, 2004, August 20, 2004, April 29, 2005, May 2, 2005, August 23, 2007, and June 19, 2008. Applicants note however that the Examiner did not sign sheet 9 of the information disclosure statement of August 2, 2004. Applicants respectfully request the Examiner to consider the references cited in sheet 9 of the information disclosure statement of August 2, 2004 and indicate their consideration by initialing and signing the information disclosure statement as appropriate.

The Office Action rejected Claims 1-11 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Cancellation of Claims 1 and 2 renders their rejections moot. The Office Action stated that the term "ID" is not descriptive and not clear. Applicants have replaced the term "ID" with the term "identification."

The Office Action also stated that the term "a second application" is not found from the descriptive portion of the specification and is not clear as to its meets and bounds." *See* Office Action, page 2. Applicants respectfully submit that the recitation "a second application" is clear. Claim 3 recites a first application in the claim, i.e. "a transponder user identification

application.” Thus, it would be readily apparent to one of ordinary skill in the art that “a second application” refers to another application comprising the characteristics explicitly recited in Claim 3. Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,317,721 (“*Hurta*”). Cancellation of Claims 1 and 2 renders their rejection moot. Applicants respectfully traverse the rejections with regard to Claims 3-11 and submit that independent Claim 3, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness. The Office Action admits that *Hurta* “does not specifically disclose a second application comprising a common file structure and at least one partner file structure.” *See* Office Action, page 3. The Office Action then looks to Official Notice for this teaching. *Id.* Applicants respectfully traverse the Official Notice taken on page 3 of the Office Action and request that the Office provide documentary evidence to support the facts alleged to be common knowledge in the art.

Applicants respectfully submit that utilizing the claimed “common file structure” in conjunction with the claimed “partnering file structure” was not considered to be common knowledge or well-known in the transaction processing art at the time of Applicants invention. Claim 3 recites, in part, “said partner file structure provides write access to a field within said partner file structure for a first partnering organization and denies write access to said field for a second partnering organization” and “said common file structure provides write access for both said first and second partners to at least one field in said common file structure” (emphasis

added). Through such a file structure configuration, a transponder can share common data with multiple partnering organizations while still protecting the proprietary data of each partnering organization on the transponder. As described in at least paragraphs eight and nine of the specification, the prior art transponders at the time of Applicants invention did not provide such data sharing through the transponder.

For at least these reasons, Applicants submit that the Official Notice allegations on page 3 of the Office Action are not considered to be common knowledge or well-known in the transaction processing art. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

The other rejected claims in this application depend from the independent claim discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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